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EXAMINER

SHELEHEDA, JAMES R

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,686

Applicant(s)

GADKARI ET AL.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 9-18, 20, 21, 23-33 and 35-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 9-18, 20, 21, 23-33 and 35-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/31/06 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3, 5-7, 9-18, 20, 21, 23-33 and 35-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification, as originally filed, fails to disclose "causing a receiver to accept an announcement of a second presentation *when the receiver is free to ignore the second presentation announcement*", as recited in claims 1, 9, 20, 25 and 33.

The specification discloses wherein the ATVEF standard allows for a receiver to ignore incoming announcements if the receiver is already display a first presentation (page 6, lines 9-14). The specification further discloses wherein the ATVEF standard requires the receiver to accept a higher version of an already accepted announcement (page 5, lines 19-26). More specifically, while applicant's disclosure indicates where an announcement for a second presentation is **required** to be displayed, as it has a higher version number of the first presentation, does **not** disclose "causing a receiver to accept an announcement of a second presentation *when the receiver is free to ignore the second presentation announcement*". As the second presentation announcement is transmitted with the same identifier as the first announcement, but with a higher version number, the receiver is always *required* to accept the announcement, and thus was not "free to ignore the second presentation announcement."

To advance prosecution, "*when the receiver is free to ignore the second presentation announcement*", is being interpreted as wherein the receiver is free to ignore the second presentation announcement, if the second announcement did not include the identifier information from the first announcement.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, 9-13, 20, 21, 33, 35-49 are rejected under 35 U.S.C. 102(b) as being anticipated by the ATVEF specification (ATVEF) (v1.1 r26 published 02/02/99) (of record).

As to claim 1, ATVEF discloses a method comprising:

(a) sending to a receiver an announcement of a first presentation (announcements broadcast to a client; page 28, lines 3-10) including first identifying information (session ID identifying the announcement for a program; page 14, lines 8-13), a first non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**), a first content item (page 28, lines 3-10 and lines 20-31) and a first version identifier (page 14, lines 13-17);

(b) causing the receiver to accept an announcement of a second presentation (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17) when the receiver is free to ignore the second presentation announcement (wherein typically, new presentations can be ignored, page 28, lines 33-41) by causing the content receiver to accept a second content item that is not part of the first presentation announcement (content associated with a second announcement that is a newer version of the first already accepted announcement; page 14, line 13-17 and page 28, lines 3-10 and lines 20-31) by sending to the receiver the second presentation announcement (page 28, lines 3-10 and lines 43-46) to preempt the first content item of the first announcement with a second content item (indicating that the second announcement is an newer version of

the first announcement already accepted announcement; page 14, line 13-17 and wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17), the second announcement including the first identifying information (session ID identifying the announcement for a program; page 14, lines 8-18), a second non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**), the second content item (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31) and a second version identifier (newer version indicating the message has changed; page 14, lines 13-17), wherein the second non-identifying information is different from the first non-identifying information (wherein the second announcement arrived during the first, and has different start/end times; page 28, lines 48-50) and wherein the second version identifier being greater than the first version identifier to cause the receiver to preempt the first content item for the second content item (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17).

As to claim 2, ATVEF discloses wherein:

the first and second presentation announcements comprise first and second Advanced Television Enhancement Forum (ATVEF) announcements, respectively

(wherein the announcements are in accordance with the ATVEF specification; see page 13, 3.1.1 Announcement Protocol); and

the first and second content items comprise first and second ATVEF content items, respectively (wherein the content items are in accordance with the ATVEF specification; see page 4 at 1.1.2 Content Type Support).

As to claim 3, ATVEF discloses:

- (c) sending a first ATVEF trigger item (page 28, lines 3-10 and lines 27-31); and
- (d) sending a second ATVEF trigger item (page 28, lines 48-50).

As to claim 5, ATVEF discloses wherein:

the first and second presentation announcements comprise first and second Advanced Television Enhancement Forum (ATVEF) announcements, respectively (wherein the announcements are in accordance with the ATVEF specification; see page 13, 3.1.1 Announcement Protocol); and

the first and second content items comprise first and second ATVEF content items, respectively (wherein the content items are in accordance with the ATVEF specification; see page 4 at 1.1.2 Content Type Support); and

the method further comprises,

- (c) sending a first ATVEF trigger item (page 28, lines 3-10 and lines 27-31), and
- (d) sending a second ATVEF trigger item (page 28, lines 48-50).

As to claim 6, ATVEF discloses:

wherein the first presentation announcement is a most up-to-date version of an announcement (wherein the first announcement was the most up-to-date version at the time it was created and transmitted; page 14, lines 8-18).

As to claim 7, ATVEF discloses:

sending a plurality of variants of the first presentation announcement (announced variants of a primary enhancement; page 16, lines 9-15) each including same first identifying information (session ID; page 14, lines 8-13) and different variants of the first non-identifying information (variations in the language of the enhancement; page 16, lines 9-15); and

sending a plurality of variants of the second presentation announcement (announced variants of a primary enhancement; page 16, lines 9-15) each including same first identifying information (session ID; page 14, lines 8-13) and different variants of the second non-identifying information (variations in the language of the enhancement; page 16, lines 9-15).

As to claim 9, ATVEF discloses a method to preempt content of a first presentation with a second content at a receiver comprising:

sending to the receiver an announcement of the first presentation (announcements broadcast to a client; page 28, lines 3-10) which includes first identifying information (session ID identifying the announcement for a program; page

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14, lines 8-13), first non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a first version identifier (page 14, lines 13-17);

sending the content of the first presentation to the receiver (page 28, lines 3-10 and lines 20-31), the receiver to utilize the content of the first presentation in accordance with having accepted the first presentation announcement (automatically utilizing triggers and content after accepting the announcement; page 28, lines 12-41);

causing the receiver to accept an announcement of a second presentation (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17) when the receiver is free to ignore the second presentation announcement (wherein typically, new presentations can be ignored, page 28, lines 33-41) by causing the receiver to accept a second content item that is not part of the first presentation announcement (content associated with a second announcement that is a newer version of the first already accepted announcement; page 14, line 13-17 and page 28, lines 3-10 and lines 20-31) by sending to the receiver the second presentation announcement (page 28, lines 3-10 and lines 43-46) to preempt the first presentation with the second content item (indicating that the second announcement is an newer version of the first announcement already accepted announcement; page 14, line 13-17 and wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17), the second presentation announcement

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includes the first identifying information of the first presentation announcement (session ID identifying the announcement for a program; page 14, lines 8-18), second non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a second version identifier (newer version indicating the message has changed; page 14, lines 13-17), wherein the second non-identifying information is different from the first non-identifying information (wherein the second announcement arrived during the first, and has different start/end times; page 28, lines 48-50) and wherein the second version identifier being greater than the first version identifier to cause the receiver to preempt the first content item for the second content item (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17); and sending the second content to the receiver (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31), the receiver to utilize the second content in accordance with having accepted the first presentation announcement (wherein the client receiver is to utilize the newest version of the accepted announcement; page 14, lines 8-18).

As to claim 10, ATVEF discloses

sending a trigger of the first presentation to the receiver (page 28, lines 9-31);
the receiver to utilize the content of the first presentation under control of the trigger of the first presentation (page 28, lines 20-41).

As to claim 11, ATVEF discloses
sending a second trigger to the receiver (wherein each presentation has an associated trigger; page 28, lines 9-31);
the receiver to utilize the second content under control of the second trigger (page 28, lines 20-41).

As to claim 12, ATVEF discloses wherein the presentation is an Advanced Television Enhancement Forum (ATVEF) presentation (wherein the presentation is in accordance with the ATVEF specification; see page 4 at 1.1.2 Content Type Support).

As to claim 13, ATVEF discloses
the receiver to operate according to a first value of an operational characteristic upon receiving the first announcement (page 28, lines 12-18 and page 11, lines 49-55);
and
the receiver to operate according to a second value of the operational characteristic upon receiving the second announcement (page 28, lines 12-18 and page 11, lines 49-55);
wherein the operational characteristic is selected from the group comprising,
cache size (page 11, lines 49-55 and page 15, lines 38-44),
expiration time (page 11, lines 49-55 and page 15, lines 50-57), and
bandwidth (page 11, lines 49-55 and page 14, lines 27-32); and

wherein the first value of the operational characteristic is specified by the first non-identifying information (wherein the value is indicated within the announcement; page 28, lines 12-18 and page 11, lines 49-55), and the second value of the operational characteristic is specified by the second non-identifying information (wherein the value is indicated within the announcement; page 28, lines 12-18 and page 11, lines 49-55).

As to claim 20, ATVEF discloses a method of sending an Advanced Television Enhancement Forum (ATVEF) presentation comprising:

generating an ATVEF announcement of a first presentation (wherein the announcements must be generated before transmission; page 3, line 22-29 and page 28, lines 3-10) including first identifying information (session ID identifying the announcement for a program; page 14, lines 8-13) and first non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a first version identifier (page 14, lines 13-17);

sending the first presentation ATVEF announcement to a receiver (announcements broadcast to a client; page 28, lines 3-10);

sending a first ATVEF content item (page 28, lines 3-10 and lines 20-31) and a first ATVEF trigger item to the receiver (page 28, lines 3-10 and lines 27-31);

generating a ATVEF announcement of a second presentation (wherein the announcements must be generated before transmission; page 3, line 22-29 and page 28, lines 3-10) including the first identifying information of the first presentation of the

ATVEF announcement (session ID identifying the announcement for a program; page 14, lines 8-18), second non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a second version identifier (newer version indicating the message has changed; page 14, lines 13-17);

causing the receiver to accept the second presentation ATVEF announcement (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17) when the receiver is free to ignore the second presentation ATVEF announcement (wherein typically, new presentations can be ignored, page 28, lines 33-41) by causing the receiver to accept a second ATVEF content item that is not part of the first ATVEF announcement (content associated with a second announcement that is a newer version of the first already accepted announcement; page 14, line 13-17 and page 28, lines 3-10 and lines 20-31) by sending the second ATVEF announcement to the receiver (page 28, lines 3-10 and lines 43-46) to preempt the first ATVEF content item of the first ATVEF announcement with a second ATVEF content item (indicating that the second announcement is an newer version of the first announcement already accepted announcement; page 14, line 13-17 and wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17),

wherein the second non-identifying information is different from the first non-identifying information (wherein the second announcement arrived during the first, and

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has different start/end times; page 28, lines 48-50) and wherein the second version identifier being greater than the first version identifier to cause the receiver to preempt the first ATVEF content item for the second ATVEF content item (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17); and

sending the second ATVEF content item (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31) and a second ATVEF trigger item to the receiver (page 28, lines 48-50).

As to claim 21, ATVEF discloses wherein the first identifying information comprises a multicast address and port (page 13, lines 50-51, page 14, lines 1-5 and page 28, lines 7-10), and an ATVEF announcement identifier (sessionID; page 14, lines 8-18).

As to claim 33, ATVEF discloses a method for a sender to preempt a receiver, the receiver configured to select between competing presentations based on an announcement stream containing announcements which provide identifying information about each of the data streams (page 28, lines 3-10 and lines 43-46), the method comprising the sender:

sending in the announcement stream a first announcement (announcements broadcast to a client; page 28, lines 3-10) including the first identifying information (session ID; page 14, lines 8-13), a first non-identifying information (wherein the

announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a first version identifier (page 14, lines 13-17);

copying the first identifying information into an announcement of a second presentation (second announcement associated with the same show; page 14, lines 8-13, page 28, lines 3-10 and lines 43-46), wherein the second announcement includes a second non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a second version identifier (newer version indicating the message has changed; page 14, lines 13-17), wherein the second non-identifying information is different from the first non-identifying information (wherein the second announcement arrived during the first, and has different start/end times; page 28, lines 48-50) and wherein the second version identifier being greater than the first version identifier to cause the receiver to preempt the first presentation for a second presentation (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17);

sending in the announcement stream the second announcement (page 28, lines 3-10 and lines 43-46); and

causing the receiver to accept the second presentation announcement (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17) when the receiver is free to ignore the

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second presentation announcement (wherein typically, new presentations can be ignored, page 28, lines 33-41) by causing the receiver to accept a second content item that is not part of the first announcement (content associated with a second announcement that is a newer version of the first already accepted announcement; page 14, line 13-17 and page 28, lines 3-10 and lines 20-31) by sending the second presentation (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31) which is associated by the first identifying information of the first presentation announcement (page 14, lines 8-13 and page 28, lines 3-25).

As to claim 35, ATVEF discloses wherein the receiver is further configured to watch for announcements having a same identifying information as that of a prior announcement for an already-accepted presentation and to accept and utilize such announcements if they bear a version identifier greater than that of the prior announcement (wherein the receiver matches a new version message to a previous message and is to use the newest version; page 14, lines 13-17).

As to claim 36, ATVEF discloses the sender:

sending a plurality of variants of the first announcement (wherein each enhancement can include multiple alternatives; page 16, lines 9-15);

sending a plurality of variants of the first presentation, each corresponding to a respective variant of the first announcement (page 16, lines 9-15);

sending a plurality of variants of the second announcement (wherein each enhancement can include multiple alternatives; page 16, lines 9-15); and

sending a plurality of variants of the second presentation, each corresponding to a respective variant of the second announcement (page 16, lines 9-15).

As to claim 37, ATVEF discloses wherein variants of a presentation differ in their required transmission bandwidth ($b=CT: \text{number}$; page 14, lines 27-32).

As to claim 38, ATVEF discloses wherein variants of a presentation differ in their language (page 16, lines 9-15).

As to claim 39, ATVEF discloses wherein variants of a presentation differ in their cache size requirement (page 11, lines 49-53).

As to claim 40, ATVEF discloses wherein the presentations comprise audio content (page 19, lines 46-52).

As to claim 41, ATVEF discloses wherein the presentations further comprise video content (page 19, lines 32-38).

As to claim 42, ATVEF discloses wherein:

the announcements comprise ATVEF announcements (wherein the announcements are in accordance with the ATVEF specification; see page 13, 3.1.1 Announcement Protocol); and

the presentations comprise ATVEF presentations (wherein the presentations are content in accordance with the ATVEF specification; see page 4 at 1.1.2 Content Type Support).

As to claim 43, ATVEF discloses an article of manufacture (page 3, lines 22-28) comprising:

a machine accessible medium including instructions that when executed by a machine (page 3, lines 22-28), cause the machine to perform the method of claim 1 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 22-28 and as addressed in the rejection of claim 1 above).

As to claim 44, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by a machine (page 3, lines 22-28), cause the machine to perform the method of claim 2 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 22-28, page 14, lines 13-17, and as addressed in the rejection of claim 8 above).

As to claim 45, ATVEF discloses an article of manufacture (page 3, lines 22-28) comprising:

a machine accessible medium including instructions that when executed by a machine (page 3, lines 22-28), cause the machine to perform the method of claim 9 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 22-28 and as addressed in the rejection of claim 9 above).

As to claim 46, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by the machine (software running in a set-top box or computer; page 3, lines 22-28), cause the machine to perform the method of claim 10 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and page 14, lines 13-17 and as addressed in the rejection of claim 19 above).

As to claim 47, ATVEF discloses an article of manufacture (page 3, lines 22-28) comprising:

a machine accessible medium including instructions that when executed by a machine (page 3, lines 27-28), cause the machine to perform the method of claim 33 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and as addressed in the rejection of claim 33 above).

As to claim 48, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by the machine (software running in a set-top box or computer; page 3, lines 22-28), cause the machine to perform the method of claim 35 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and page 14, lines 13-17 and as addressed in the rejection of claim 35 above).

As to claim 49, ATVEF discloses an article of manufacture (page 3, lines 22-28) further comprising:

instructions that when executed by the machine (software running in a set-top box or computer; page 3, lines 22-28), cause the machine to perform the method of claim 36 (wherein the ATVEF defined equipment performs ATVEF defined functionality; page 3, lines 27-28 and page 16, lines 9-15 and as addressed in the rejection of claim 36 above).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrade et al. (Andrade) (US 2002/0059644) (of record) in view of ATVEF.

As to claim 25, while Andrade discloses an apparatus comprising:

a controller (Fig. 3; insertion server, 303b);

a generator (repository, 304a) coupled to the controller (see Fig. 3) and adapted generate content information (paragraph 39);

a content switch (multiplexer, 314) coupled to the controller (see Fig. 3) and having an input for receiving a first content item and a second content item (paragraph 38) and adapted to output the first and second content item (inserting the content into the broadcast signal; paragraph 38) under control of the controller (controlling when and how content is inserted; paragraph 40),

he fails to specifically disclose generating first a first announcement including first identifying information, a first non-identifying information and a first version identifier, a second announcement including the first identifying information, a second non-identifying information and a second version identifier, wherein the second non-identifying information is different from the first non-identifying information, wherein the second version identifier being greater than the first version identifier to cause the receiver to accept the second presentation announcement (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17) when the receiver is free to ignore the second presentation announcement (wherein typically, new presentations can be ignored, page 28, lines 33-41) by causing the receiver to accept the second content item that is not

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part of the first announcement by preempting the first content item for a second content item.

In an analogous art, ATVEF discloses a method for adding content to television broadcasts (page 1) including generating a first announcement (announcements broadcast to a client; page 28, lines 3-10) including first identifying information (session ID identifying the announcement for a program; page 14, lines 8-13), a first non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a first version identifier (page 14, lines 13-17), generating a second announcement (page 28, lines 3-10 and lines 43-46) to preempt the first content item of the first announcement with a second content item (indicating that the second announcement is an newer version of the first announcement already accepted announcement; page 14, line 13-17 and wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17), to cause the receiver to accept the second presentation announcement (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17) when the receiver is free to ignore the second presentation announcement (wherein typically, new presentations can be ignored, page 28, lines 33-41), wherein the receiver is sent one or more triggers of the second announcement from a trigger store (buffered/stored before transmission) instead of one or more triggers of the first announcement (page 28, lines 3-10, lines 27-31 and lines 43-50) and wherein the

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receiver is sent the second content item from a content store (buffered/stored before transmission) instead of the first content item (content associated with a second announcement that is a newer version of the first already accepted announcement; page 14, line 13-17 and page 28, lines 3-10 and lines 20-31), the second announcement including the first identifying information (session ID identifying the announcement for a program; page 14, lines 8-18), a second non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) and a second version identifier (newer version indicating the message has changed; page 14, lines 13-17), wherein the second non-identifying information is different from the first non-identifying information (wherein the second announcement arrived during the first, and has different start/end times; page 28, lines 48-50) and wherein the second version identifier being greater than the first version identifier to cause the receiver to preempt the first content item for the second content item (wherein a client accepts a received announcement with a greater version than a previously accepted announcement; page 14, line 13-17), outputting the first content absent of a preemption control (outputting the first instance of an announcement and content for a broadcast; page 14, lines 8-18 and page 28, lines 7-25) and the second content under preemption control (outputting a second higher version message which will supersede the first; page 14, lines 8-18 and page 28, lines 7-25) for the typical benefits of conforming to the accepted ATVEF standard and providing a means to

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successfully transmit enhanced content across any network to any ATVEF compliant receiver (page 1).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Andrade's system to include generating first a first announcement including first identifying information, a first non-identifying information and a first version identifier, a second announcement including the first identifying information, a second non-identifying information and a second version identifier, wherein the second non-identifying information is different from the first non-identifying information, wherein the second version identifier being greater than the first version identifier to cause the receiver to accept the second presentation announcement when the receiver is free to ignore the second presentation announcement by causing the receiver to accept the second content item that is not part of the first announcement by preempting the first content item for a second content item, as taught by ATVEF, for the typical benefits of providing a television system which can successfully comply with the ATVEF standard for providing enhanced content across any network to any compliant receiver, as desired by Andrade (see Andrade at paragraph 19).

As to claim 26, Andrade and ATVEF disclose

a trigger switch (multiplexer, 314) coupled to the preemption controller (see Andrade at Fig. 3) and having an input for receiving a first switch item and a second switch item (see Andrade at paragraph 38) and adapted to output the first switch item absent control of the preemption controller (outputting the first instance of an

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announcement, trigger and content for a broadcast; see ATVEF at page 14, lines 8-18 and page 28, lines 7-25), and to output the second switch item under control of the preemption controller (outputting a second higher version message which will supersede the first; see ATVEF at page 14, lines 8-18 and page 28, lines 7-25); and wherein the output mechanism is further coupled to the trigger switch for sending the first trigger item and the second trigger item (see Andrade at paragraph 38).

As to claim 27, Andrade and ATVEF disclose a content store (repository, 304a) coupled to the input of the content switch (see Andrade at Fig. 3) to provide the first and second content items (see Andrade at paragraph 39); and a trigger store (repository, 304a) coupled to the input of the trigger switch (see Andrade at Fig. 3) to provide the first and second trigger items (see Andrade at paragraph 39).

As to claim 28, Andrade and ATVEF disclose an audio/visual (A/V) store and sender (video server, 316) coupled to provide audio/visual content to be sent by the output mechanism (see Andrade at Fig. 3 and paragraph 36).

As to claim 29, Andrade and ATVEF disclose the apparatus comprises an Advanced Television Enhancement Forum (ATVEF) sender (sending ATVEF; see

Andrade at paragraph 19), the first and second trigger items comprise ATVEF triggers (ATVEF triggers; see Andrade at paragraph 19), the first and second content items comprise ATVEF content (ATVEF content; see Andrade at paragraph 19), and the announcements comprise ATVEF announcements (ATVEF defined announcements required for ATVEF presentations; see ATVEF at page 13, lines 50-51 and page 14, lines 1-5).

As to claim 30, Andrade and ATVEF disclose wherein the first identifying information comprises a multicast port and address (see ATVEF at page 13, lines 50-51, page 14, lines 1-5 and page 28, lines 7-10).

As to claim 31, Andrade and ATVEF disclose wherein the first identifying information further comprises additional identifying information which associates the first announcement with the first trigger item and the first content item (see ATVEF at page 14, lines 8-13 and page 28, lines 3-25).

As to claim 32, Andrade and ATVEF disclose wherein the first announcement further comprises non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**), and the second announcement further comprises non-identifying information (wherein the announcement includes information such as the start and end times of the particular

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enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**) wherein at least a subset of the non-identifying information of the second announcement is different than a corresponding subset of the non-identifying information of the first announcement (wherein the second announcement arrived during the first, and has different start/end times; page 28, lines 48-50).

8. Claims 14, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over ATVEF.

As to claims 14 and 23, while ATVEF discloses sending an additional ATVEF announcement to the receiver (page 14, lines 8-18, page 28, lines 3-10 and lines 43-46) which includes the first identifying information (session ID identifying the announcement for a program with a newer version number; page 14, lines 8-18) and non-identifying information (wherein the announcement includes information such as the start and end times of the particular enhancement; see table listings at page 14, at **t=start stop**, and page 15 at **a=tve-end:seconds**); and

sending additional content to the receiver (wherein every enhancement is made up of an announcement associated with content; page 28, lines 3-10 and lines 20-31), the receiver to utilize the additional content in accordance with having accepted the first announcement (wherein the client receiver is to utilize the newest version of the accepted announcement; page 28, lines 3-10 and lines 20-31 and page 14, lines 8-18), it fails to specifically disclose a third announcement and content.

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The examiner takes Official Notice that it was notoriously well known in the art at the time of invention for a plurality of versions of software to be created, such as three or more, as new additions and updates are made, for the typical benefit of ensuring that provided software content is as up-to-date and current as possible.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to specifically include a third announcement and third content for the typical benefit of ensuring that subscribers are receiving the most up-to-date and current content.

As to claim 24, ATVEF discloses

including in the first ATVEF announcement a first version identifier (page 14, lines 8-18);

including in the second ATVEF announcement a second version identifier indicating that the second ATVEF announcement supercedes the first ATVEF announcement (newer version indicating the message has changed; page 14, lines 8-18); and

including in the third ATVEF announcement a third version identifier indicating that the second ATVEF announcement supercedes the second ATVEF announcement (newest version indicating the message has changed; page 14, lines 8-18).

9. Claim 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ATVEF as applied to claims 9 and 14 above, and further in view of Butler et al. (Butler) (US2002/0007493) (of record).

As to claim 15, while ATVEF discloses first, second and third content and the receiver utilizing the third content, it fails to specifically disclose upon the third content ending, returning to utilizing the previous content.

In an analogous art, Butler discloses a digital receiver (Fig. 2, 14; paragraph 19 and 24) which will receive supplemental content with the broadcast signal (paragraph 28) presented in overlay windows (paragraph 44) and wherein a new overlay will temporarily overwrite a regular overlay (paragraph 49) and upon completion of the new overlay the previous overlays are restored (paragraph 49) for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message (paragraph 49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to include upon the content ending, returning to utilizing the previous content, as taught by Butler, for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message.

As to claim 16, while ATVEF discloses utilizing the second content, it fails to specifically disclose upon the second content ending, returning to utilizing the first content.

In an analogous art, Butler discloses a digital receiver (Fig. 2, 14; paragraph 19 and 24) which will receive supplemental content with the broadcast signal (paragraph 28) presented in overlay windows (paragraph 44) and wherein a new overlay will temporarily overwrite a regular overlay (paragraph 49) and upon completion of the new overlay the previous overlays are restored (paragraph 49) for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message (paragraph 49).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to include upon the second content ending, returning to utilizing the first content, as taught by Butler, for the typical benefit of allowing a user to return to their display upon receipt of a temporary higher priority message.

As to claim 17, while ATVEF and Butler disclose returning to the first content (see Butler at paragraph 49), they fail to specifically disclose wherein the receiver returns to a point at which the first content was interrupted.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to return to previous content after an interruption, such as in instant replay video, by returning to the point where the content was interrupted for the typical benefit of either ensuring that the viewer doesn't miss any of their desired content.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to specifically include wherein the receiver

returns to a point at which the first content was interrupted for the typical benefit of ensuring that the viewer doesn't miss any of their desired content.

As to claim 18, while ATVEF and Butler disclose returning to the first content (see Butler at paragraph 49), they fail to specifically disclose As to claim 17, while ATVEF and Butler disclose returning to the first content (see Butler at paragraph 49), they fail to specifically disclose wherein the receiver returns to a point at which the first content would have been had the receiver not utilized the second content.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to return to previous content after an interruption, such as in instant replay video, by returning to the content at the current point in time for the typical benefit of ensuring that only the current relevant content is displayed to the user.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify ATVEF to specifically include wherein the receiver returns to a point at which the first content was interrupted for the typical benefit of either ensuring that the viewer doesn't miss any of their desired content.

Response to Arguments

10. Applicant's arguments filed 07/31/06 have been fully considered but they are not persuasive.

On pages 17 and 18, of applicant's response, applicant argues that the ATVEF specification fails to disclose "causing a receiver to accept an announcement of a

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second presentation *when the receiver is free to ignore the second presentation announcement*".

In response, as indicated in the rejections above, the ATVEF disclose wherein the receiver is free to ignore incoming announcements, ***unless*** the incoming announcement has the same identifier as the previously accepted announcement and a newer version number. Thus, the ATVEF specification clearly reads upon the current claim limitations, as indicated in the previous interpretation of the claims, as the receiver would normally be free to ignore the second presentation, but in this case is forced to accept it as there is a higher version number in the incoming announcement.

Conclusion

11. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____.
(Date)

Typed or printed name of person signing this certificate:

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Signature: _____

Registration Number: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. () _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

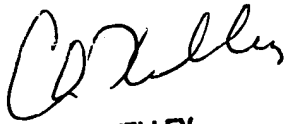
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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JS



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